IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8302 of 2004

Between:

1 Rev. P.D.D.V. Krupakar Rao, S/o. Devadanam, Deanery Chairman Church

of South India, Diocese of Nandyal Mission Compound Nandyal,
Kurnool District.
2 Rev. M. Benjanin, S/o. Willams, Pastorate Chairman, S.P.G. Church,

Rudravaram, Kurnool District,
3 Rev. K.S. Ravi Kumar, S/o. Rev. K. Moses,
Pastorate Chairman, Chagalmarri, Kurnool District.
4 Rev. M. Johnaiah, S/o. Samuel, Pastorate Chairman, Shareennagar Church,

R/o. L.L.G. 1/69 A.P. Housing Board Colony, B.Camp Post, Kurnool.
5 Rev. M. Joseph, S/o. Solomn, Pastorate Chairman, S.P.G. Church,

Gopavaram, Via Nandyala, Kurnool District.

... PETITIONERS

AND

1 Rt. Rev. Dr. G.T. Abraham, Bishop Church of South India, Diocese of

Nandyal, Kurnool District.
2 Rev. M. Rajesekhar, Vice President,
Church of South India, Diocese of Nandyal, Kurnool District.
3 Rev. B. Babu Prasa, Secretary, The Church of South India, Diocese of

Nandyal, Kurnool District.
4 Registrar of Coop. Societies, Government of A.P. M.J. Road, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue as order, direction or an appropriate Writ more particularly in the nature of Writ of Mandamus Writ more particularly in the nature of Writ of Mandamus directing the Respondents to retain and continue the petitioners in the posts and places at which they are now working by holding that the impugned transfer orders issued by the proceedings dated 24-3-2004 of the 1st Respondent in so far as they relate to the

transfers of the petitioners are concerned, as illegal, arbitrary, unjustified, discriminatory and voilative of article 14 of the constitution of India and in view of the harm that would be caused to children of the petitioners under the presidential order and consequently quash the same

Counsel for the Petitioners: MR.GOPALA RAO GANDRAKOTA

Counsel for the Respondents 1 to 3: MR. K.SOMAKONDA REDDY

Counsel for the Respondent No.4: GP FOR COOPERATION

The Court made the following order:

ORDER:

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The petitioners question the proceedings dated 24.03.2004 of the first respondent in transferring the petitioners and some others on administrative grounds to different places.

Admittedly, the respondent-organization is registered under The Societies Registration Act. The respondent-organization is purely a society registered by individual persons; it is neither funded by the Government nor any Government officers are managing the affairs of the society. Therefore, the respondent-society is not a “State” within the meaning of Article 12 of the Constitution of India amenable to the writ jurisdiction of this Court. As the respondent-society is neither an authority nor State to exercise the extraordinary jurisdiction under Article 226 of the Constitution of India, I am of the opinion that the writ petition itself is not maintainable.

However, the transfer orders of the Clergy issued by the first respondent after approval of the Executive Committee of the Diocese of Nandyal on the advice of the Ministerial Committee of the Diocese of Nandyal is only in accordance with the Bye-Laws of the Society. The said transfer orders are purely administrative in nature dealing with the transfer of Presbyters (Clergy) from one Church to another having regard to the requirements of Diocese of Nandyal and it is purely an internal matter of the Diocese of Nandyal.

Therefore, I am of the view that the said proceedings are not amenable to the writ jurisdiction of this Court and accordingly, the writ petition is dismissed. No costs.

V. ESWARAIAH, J

September 29, 2004

Dsk

To

1. Registrar of Coop. Societies, Government of A.P. M.J. Road, Hyderabad.

2. Two CCs to GP For Cooperation, High Court Buildings, Hyderabad (OUT)

3. Two CD copies.